

U.S. Patent and Trademark Office, Commerce

§ 1.16

(5) Access to international application files under paragraphs (a)(1)(i) through (a)(1)(vi) and (g)(3) of this section will not be permitted with respect to the Examination Copy in accordance with PCT Article 38.

(h) *Access by a Foreign Intellectual Property Office.* (1) Access to the application-as-filed may be provided to any foreign intellectual property office participating with the Office in a bilateral or multilateral priority document exchange agreement (participating foreign intellectual property office), if the application contains written authority granting such access. Written authority under this paragraph should be submitted prior to filing a subsequent foreign application with a participating intellectual property office in which priority is claimed to the patent application.

(2) Written authority provided under paragraph (h)(1) of this section must include the title of the invention (§1.71(a)), comply with the requirements of paragraph (c) of this section, and be submitted on a separate document (§1.4(c)).

(3) Written authority provided under paragraph (h)(1) of this section will be treated as authorizing the Office to provide to all participating foreign intellectual property offices indicated in the written authority in accordance with their respective agreements with the Office:

(i) A copy of the application-as-filed; and

(ii) A copy of the application-as-filed with respect to any application the filing date of which is claimed by the application in which written authority under paragraph (h)(1) of this section is filed.

(i) *Access or copies in other circumstances.* The Office, either *sua sponte* or on petition, may also provide access or copies of all or part of an application if necessary to carry out an Act of Congress or if warranted by other special circumstances. Any petition by a member of the public seeking access to, or copies of, all or part of any pending or abandoned application preserved in confidence pursuant to paragraph (a) of this section, or any related papers, must include:

(1) The fee set forth in §1.17(g); and

(2) A showing that access to the application is necessary to carry out an Act of Congress or that special circumstances exist which warrant petitioner being granted access to all or part of the application.

[68 FR 38624, June 30, 2003, as amended at 68 FR 59886, Oct. 20, 2003; 68 FR 67805, Dec. 4, 2003; 68 FR 71006, Dec. 22, 2003; 69 FR 49997, Aug. 12, 2004; 69 FR 56536, Sept. 21, 2004; 72 FR 1667, Jan. 16, 2007; 77 FR 48812, Aug. 14, 2012; 78 FR 11052, Feb. 14, 2013]

§ 1.15 [Reserved]

FEES AND PAYMENT OF MONEY

AUTHORITY: Sections 1.16 through 1.22 also issued under 35 U.S.C. 41, 111, 119, 120, 132(b), 156, 157, 255, 302, and 311, Public Laws 103-465, 106-113, and 112-29.

§ 1.16 National application filing, search, and examination fees.

(a) Basic fee for filing each application under 35 U.S.C. 111 for an original patent, except design, plant, or provisional applications:

By a micro entity (§1.29)	\$70.00
By a small entity (§1.27(a))	140.00
By a small entity (§1.27(a)) if the application is sub- mitted in compliance with the Office electronic filing system (§1.27(b)(2))	70.00
By other than a small or micro entity	280.00

(b) Basic fee for filing each application for an original design patent:

By a micro entity (§1.29)	\$45.00
By a small entity (§1.27(a))	90.00
By other than a small or micro entity	180.00

(c) Basic fee for filing each application for an original plant patent:

By a micro entity (§1.29)	\$45.00
By a small entity (§1.27(a))	90.00
By other than a small or micro entity	180.00

(d) Basic fee for filing each provisional application:

By a micro entity (§1.29)	\$65.00
By a small entity (§1.27(a))	130.00
By other than a small or micro entity	260.00

(e) Basic fee for filing each application for the reissue of a patent:

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By a micro entity (§1.29)	\$70.00
By a small entity (§1.27(a))	140.00
By other than a small or micro entity	280.00

(f) Surcharge for filing any of the basic filing fee, the search fee, the examination fee, or the oath or declaration on a date later than the filing date of the application, except provisional applications:

By a micro entity (§1.29)	\$35.00
By a small entity (§1.27(a))	70.00
By other than a small or micro entity	140.00

(g) Surcharge for filing the basic filing fee or cover sheet (§1.51(c)(1)) on a date later than the filing date of the provisional application:

By a micro entity (§1.29)	\$15.00
By a small entity (§1.27(a))	30.00
By other than a small or micro entity	60.00

(h) In addition to the basic filing fee in an application, other than a provisional application, for filing or later presentation at any other time of each claim in independent form in excess of 3:

By a micro entity (§1.29)	\$105.00
By a small entity (§1.27(a))	210.00
By other than a small or micro entity	420.00

(i) In addition to the basic filing fee in an application, other than a provisional application, for filing or later presentation at any other time of each claim (whether dependent or independent) in excess of 20 (note that §1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes):

By a micro entity (§1.29)	\$20.00
By a small entity (§1.27(a))	40.00
By other than a small or micro entity	80.00

(j) In addition to the basic filing fee in an application, other than a provisional application, that contains, or is amended to contain, a multiple dependent claim, per application:

By a micro entity (§1.29)	\$195.00
By a small entity (§1.27(a))	390.00
By other than a small or micro entity	780.00

(k) Search fee for each application filed under 35 U.S.C. 111 for an original patent, except design, plant, or provisional applications:

By a micro entity (§1.29)	\$150.00
By a small entity (§1.27(a))	300.00
By other than a small or micro entity	600.00

(l) Search fee for each application for an original design patent:

By a micro entity (§1.29)	\$30.00
By a small entity (§1.27(a))	60.00
By other than a small or micro entity	120.00

(m) Search fee for each application for an original plant patent:

By a micro entity (§1.29)	\$95.00
By a small entity (§1.27(a))	190.00
By other than a small or micro entity	380.00

(n) Search fee for each application for the reissue of a patent:

By a micro entity (§1.29)	\$150.00
By a small entity (§1.27(a))	300.00
By other than a small or micro entity	600.00

(o) Examination fee for each application filed under 35 U.S.C. 111 for an original patent, except design, plant, or provisional applications:

By a micro entity (§1.29)	\$180.00
By a small entity (§1.27(a))	360.00
By other than a small or micro entity	720.00

(p) Examination fee for each application for an original design patent:

By a micro entity (§1.29)	\$115.00
By a small entity (§1.27(a))	230.00
By other than a small or micro entity	460.00

(q) Examination fee for each application for an original plant patent:

By a micro entity (§1.29)	\$145.00
By a small entity (§1.27(a))	290.00
By other than a small or micro entity	580.00

(r) Examination fee for each application for the reissue of a patent:

By a micro entity (§1.29)	\$540.00
By a small entity (§1.27(a))	1,080.00
By other than a small or micro entity	2,160.00

(s) Application size fee for any application filed under 35 U.S.C. 111 for the

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specification and drawings which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof:

By a micro entity (§1.29)	\$100.00
By a small entity (§1.27(a))	200.00
By other than a small or micro entity	400.00

(t) Non-electronic filing fee for any application under 35 U.S.C. 111(a) that is filed on or after November 15, 2011, other than by the Office electronic filing system, except for a reissue, design, or plant application:

By a small entity (§1.27(a)) ...	\$200.00
By other than a small entity	\$400.00

NOTE TO §1.16: See §§1.445, 1.482 and 1.492 for international application filing and processing fees.

[70 FR 3887, Jan. 27, 2005, as amended at 70 FR 30365, May 26, 2005; 72 FR 46901, Aug. 22, 2007; 73 FR 47540, Aug. 14, 2008; 76 FR 70653, Nov. 15, 2011; 77 FR 48812, Aug. 14, 2012; 77 FR 54365, Sept. 5, 2012; 78 FR 4284, Jan. 18, 2013]

§ 1.17 Patent application and reexamination processing fees.

(a) Extension fees pursuant to §1.136(a):

(1) For reply within first month:

By a micro entity (§1.29)	\$50.00
By a small entity (§1.27(a))	\$100.00
By other than a small or micro entity	\$200.00

(2) For reply within second month:

By a micro entity (§1.29)	\$150.00
By a small entity (§1.27(a))	\$300.00
By other than a small or micro entity	\$600.00

(3) For reply within third month:

By a micro entity (§1.29)	\$350.00
By a small entity (§1.27(a))	\$700.00
By other than a small or micro entity	\$1,400.00

(4) For reply within fourth month:

By a micro entity (§1.29)	\$550.00
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By a small entity (§1.27(a))	\$1,100.00
By other than a small or micro entity	\$2,200.00

(5) For reply within fifth month:

By a micro entity (§1.29)	\$750.00
By a small entity (§1.27(a))	\$1,500.00
By other than a small or micro entity	\$3,000.00

(b) For fees in proceedings before the Patent Trial and Appeal Board, *see* §41.20 and §42.15 of this title.

(c) For filing a request for prioritized examination under §1.102(e):

By a micro entity (§1.29)	\$1,000.00
By a small entity (§1.27(a))	\$2,000.00
By other than a small or micro entity	\$4,000.00

(d) For correction of inventorship in an application after the first action on the merits:

By a micro entity (§1.29)	\$150.00
By a small entity (§1.27(a))	\$300.00
By other than a small or micro entity	\$600.00

(e) To request continued examination pursuant to §1.114:

(1) For filing a first request for continued examination pursuant to §1.114 in an application:

By a micro entity (§1.29)	\$300.00
By a small entity (§1.27(a))	\$600.00
By other than a small or micro entity	\$1,200.00

(2) For filing a second or subsequent request for continued examination pursuant to §1.114 in an application:

By a micro entity (§1.29)	\$425.00
By a small entity (§1.27(a))	\$850.00